

IN THE CRIMINAL COURT FOR KNOX COUNTY, TENNESSEE
DIVISION II

FILED

KEITH HAMMOND

2019 APR 11 AM 9:34

KNOX COUNTY CRIMINAL COURT
KNOXVILLE, TN

**STATE OF TENNESSEE, ex rel.
CHARME P. ALLEN
DISTRICT ATTORNEY GENERAL,
Petitioner,**

VS.

NO. 115242

**THE VIBE
2630 NORTH BROADWAY
KNOXVILLE, TENNESSEE 37917,**

NOTICE OF ENTRY REQUESTED

**KEVIN CHERRY
BUSINESS OWNER
THE VIBE
2630 NORTH BROADWAY
KNOXVILLE, TENNESSEE 37917,**

AND

**DRUMHELLER REAL ESTATE MANAGEMENT PARTNERSHIP
PROPERTY OWNERS
4920 LAURELWOOD ROAD
KNOXVILLE, TN 37918,
Respondents.**

AGREED ORDER OF PERMANENT INJUNCTION

It appearing to this Court that the parties in the above-entitled action have reached an agreement regarding this case, a PERMANENT INJUNCTION SHALL ENTER. The parties agree that the averments of the Verified Petition are true and that The Vibe, 2630 North Broadway, Knoxville, Knox County, Tennessee, is a public nuisance pursuant to the provisions of Tenn. Code Ann. § 29-3-101, et seq. A permanent injunction shall enter

immediately barring Respondents The Vibe and Kevin Cherry from operating a business at 2630 North Broadway, Knoxville, Knox County, Tennessee.

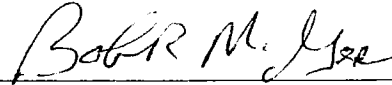
The Vibe, through its owner, Kevin Cherry, agrees to surrender all possessory rights in the premises located at 2630 North Broadway, Knoxville, Knox County, Tennessee. Respondents may remove all plywood and padlocks to allow access to the property in order to remove items of personal property belonging to Kevin Cherry. Under no circumstances shall the property be opened for business by Respondent Kevin Cherry. Further, The Vibe and its owner, Kevin Cherry, agree to surrender The Vibe's beer permit (Permit Number P091515009) issued by the City of Knoxville Beer Board in accordance with Knoxville City Code Section 4-71 within five (5) days of the effective date of this Order.

In any event, the possessory rights in the property shall vest in the property owners, Drumheller Real Estate Management Partnership. Respondent property owner and/or their agent(s), shall have the right to enter the property and lease said property to any tenant except The Vibe or Kevin Cherry. Respondent Drumheller Real Estate Management Partnership agrees to allow the Knoxville Police Department and/or the Knox County District Attorney General's Office to run criminal background checks, at no cost, on all potential tenants before a lease agreement is signed.

Respondents shall not assert and hereby waive any claims against the Knoxville Police Department, the State of Tennessee, the County of Knox, the City of Knoxville, and the Knox County District Attorney General's Office and their agents resulting from the issuance and service of the nuisance injunction.

Therefore, it is decreed that the agreement set forth hereinabove is hereby adopted, ratified, and confirmed as the ORDER of this Court.

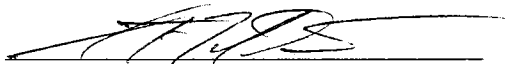
Entered this the 11 day of April, 2019.




Judge Bob R. McGee
Knox County Criminal Court
Division II

APPROVED:

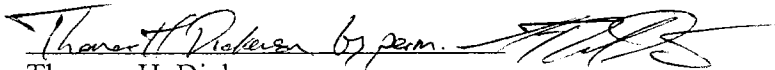
Charme P. Allen
District Attorney General



By: Sean F. McDermott
Assistant District Attorney General



Kevin D. Cherry
The Vibe



Thomas H. Dickenson
Attorney for Drumheller Real Estate Management Partnership